

Kuhns Battle

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that meeting, stating that he didn't want variance for a septic system to be installed in what amounted to his front yard. One neighbor agreed with the Kuhn's, the other neighbor abstained from comment.

The subsequent granting of the variance then awaited Department of Quality Engineering (DEQE) approval or disapproval. "We heard it through the grapevine," Kuhn said, "that DEQE had turned down the granting of

the variance." Mrs. Kuhn called O'Brien, she said, who said that via telephone conversations with him, the state had turned it down for many reasons. Mrs. Kuhn said that O'Brien indicated that to appeal the state's decision would be very difficult and would wind up in court and which was not likely to happen.

Kuhn also claimed that Bradley had intimidated the Board of Health "from day one." He read from portions

of O'Briens daily log, which enumerated several phone calls from Bradley desiring to know the status of the land after the perc test was done. One entry which Kuhn read aloud stated, "Mr. Bradley called — angrily — I explained the situation — he feels that I am giving him the run around."

Kuhn showed the letter which finally arrived from the DEQE's Tewksbury Office, to the Board of Health on January 26, despite the phone calls disapproving the variance, listing nine reasons lot 24 did not comply with various sections of Title V. He pointed out that although the letter admits that the Department failed to issue written comments with the required 30 day period, and which therefore presumes DEQE approval, the concluding remarks of the letter were, "It is the opinion of the Department that the proposed disposal system is not in compliance with the minimum requirements of Title V of the State Environmental Code and a disposal works construction permit should not be issued by the Cohasset Board of Health for subject site."

Considering this and other evidence, Kuhn said, he feels that the Board of Health could revoke the variance immediately, to halt possible further court action, should they lose the case and have to appeal to a higher court. "We have incurred thousands of dollars to show the Board of Health how to do their job," Mrs. Kuhn said.

"Right now we have a septic system that has completely failed. The pumps in our pump system are five years old and have to be replaced for \$1000," she said. She said that electricians, plumbers and engineers had been working at her home for the past two weeks, attempting to fix another of a series of problems that have been plaguing them since they moved into the house.

Selectmen agreed that further actions or hearing on the case should wait until a court disposition from the trial expected in September. They



THE PITS of the problem at Kuhn residence on Surrey Drive is this septic system.

intended to abide by Town Counsel J. Blake Thaxter's opinion to cancel the hearing because of Pinkerson's attorney's objections. The Kuhn's said they had a right to know what those objections were.

Thaxter said last week that there was no case law which prohibited a hearing of this nature before a court deter-

mination. "In my judgment, I don't think they have a legal basis to hold another hearing. This issue will probably wind up in court. The only way Golden (the Kuhn's attorney) can get a hearing is to have a court order him," she said.

Attorney Golden was unavailable for comment.

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Controls Needed On Strait's Pond

Resident Susan Weil warned Selectmen last week of a potential emergency situation if Straits Pond's water levels can't be controlled by the tidal gate. The gate is now inoperable and money is needed by the towns of Hull and Cohasset to have it repaired.

Hull Selectmen had asked Cohasset for contributions for the gate's repairs in July. Selectman Chairman Arthur Clark said he believes no money is available for the project in reserve funds.

Clark has discussed the matter with Hull Selectman Jimmy Hartstone, who suggested that money might be available from Hingham, as a culvert from the pond runs through that town. The control gate doesn't affect Hingham,

Clark pointed out, and town officials there aren't expected to show enthusiasm in spending money on the tidal gate. Hingham Selectmen will, however, be asked to contribute, and Hull Selectmen will continue their efforts for the gate's repairs.

Clark also suggested that a definite figure for the repairs be affixed to adequately apprise the Advisory Board of the amount needed should they decide to allow a transfer of funds.

Weil was anxious costs be estimated quickly, as bids for construction can't go out until town funds are available, she said. She said it would be better to remove the gate altogether than to leave it up and constraining the water in Straits Pond to dangerously high levels.

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